

Approved Meeting Minutes
South Florida Ecosystem Restoration Working Group
September 24, 2001
Key Largo, FL

Wayne Daltry called the meeting to order at 1:30 pm. Agenda (Encl. 1) ratified. Billy Causey reminded those individuals that are interested to sign up for the sunset cruise. Draft minutes (Encl. 2) presented for approval the following morning.

Working Group Members	Sep 24	Sep 25	Alternates
Aller, Chuck - FL Dept of Agriculture and Consumer Services	-	-	
Barnett, Ernie - FL Dept of Environmental Protection	-	-	John Outland
Best, Ronnie - U.S.G.S.	-	-	
Bradford, Mark - Bureau of Indian Affairs	-	-	
Brad Brown - NOAA, National Marine Fisheries Service	√	√	
Billy Causey - NOAA, FL Keys Nat'l Marine Sanctuary	√	-	Dave Score
Wayne Daltry - Southwest FL Regional Planning Council	√	√	
Henry Dean - South Florida Water Management District	-	-	Joan Lawrence
Frank Duke - Palm Beach County Planning			
Gene Duncan - Miccosukee Tribe of Indians of FL			
Maureen Finnerty - National Park Service	√	√	
Michael Goldstein - Gunster, Yoakely, Valdes-Fauli & Stewart	-	-	Jim Ferro
George Hadley - U.S. Dept of Transportation			
Thaddeus Hamilton - U.S. Department of Agriculture	√	√	
Richard Harvey - Environmental Protection Agency	√		
Ronald Jones - Southeast Environmental Research Center	√		
Barbara Junge - U.S. Attorney's Office	√		
Kristina Katsaros - NOAA - AOML	-	-	Judy Gray
Neal McAliley - U.S. Dept. of Justice	√	√	
COL Greg May - U.S. Army Corps of Engineers	-	-	Dennis Duke
Ken Metcalf - Department of Community Affairs	√		
Donna Pope - FL Dept. of Transportation	-	-	
Fred Rapach - Palm Beach County Water Utilities Dept	√	√	
Terry Rice - Miccosukee Tribe of Indians of Florida	√	√	
Jay Slack - U.S. Fish and Wildlife Service	√	√	
Rick Smith - Office of the Governor of Florida	√	√	
Ron Smola - U.S. Department of Agriculture	-		
Steve Somerville - Broward County Department of Natural Resource Protection	-	-	Patti Webster
Craig Tepper, Seminole Tribe of Florida	-	√	Beth Carlson
Joe Walsh - Florida Fish and Wildlife Conservation Commission	√	√	
Julio Fanjul, Special Advisor	√	√	
Rock Salt, Special Advisor	√	√	

Biscayne Bay Issue Team Charter

Rock Salt presented draft Charter (Encl. 3) for approval. Neal McAliley suggested the inclusion of the finding that the individual is necessary for the function of the group. **Action: Fred Rapach suggested the "principal advisory body" statement be included similar to the SW Florida and Kissimmee Charters. Working Group approved Charter as amended with the finding that these individuals on the team are necessary for the function of the group consistent with the protocols.**

SW Florida Issue Team Charter

Rock Salt noted the scope of the draft Charter (Encl. 4) has been amended to include all of SW Florida and based on the comments received at the last meeting. This team currently does not have any non government members and will consist of agency members. Wayne Daltry said it would be appropriate for the SFWMD to have two representatives one of which would be from the Basin Board. He encouraged the Miccosukee Tribe to also participate. Motion to accept and second were made by Rick Smith and Billy Causey. **Action: Working Group approved Charter with the finding that non Working Group members are necessary for the function of the team.**

Kissimmee Valley Team Charter

Rock Salt presented the revised Charter (Encl. 5). Craig Tepper's request for the Indian Prairie Basin to be specified in the Charter has been completed. Motion and second for approval made by Thaddeus Hamilton and Rick Smith. **Action: Working Group approved Charter with the finding that non Working Group and non governmental members are necessary for the function of the team.**

Dispute Resolution

Joan Lawrence presented the protocol document (Encl. 6) and for interim approval and use. The intent is to present this document to the Task Force for their final approval. Rock Salt explained the Task Force raised this issue and commissioned an expert panel. The expert panel report recommended their efforts be handed to the Working Group to come up with the protocols. Once approved, the document will be submitted to the Task Force for review and approval. Terry Rice suggested the Task Force be informed they have the option to not approve the document. **Action: Dispute Resolution protocols approved with the fourth paragraph amended to read "*The Working Group has given its interim approval pending Task Force action on the following procedures.*"**

Phosphorus Standards/Process

John Outland explained that the Everglades Forever Act requires DEP to file notice to establish the rule to establish a numeric criterion for phosphorus in the Everglades protection area which it has done. If the department fails to establish a criterion that is adopted by rule then it defaults to 10 ppb. The rule development process (Encl. 7) includes workshops to be held on October 2 – 3; October 18 – 19; November 1 – 2; and November 13. Information including workshop materials posted at the DEP FTP site [<ftp://everglades.dep.state.fl.us>].

Neal McAliley noted this is an example of an issue that has tremendous significance with the efforts of the Working Group and thought an update would be informative to this group. DEP will be defining the finish line and the difference between 10 and 50 ppb would be significant. Richard Harvey suggested regular updates be provided at future meeting. He further explained that the workshops will be when the state hears from the stakeholders. The state will then take that information and hold a briefing before the Environmental Regulation Commission to educate them about the issues. A hearing will then be held to will determine what the number should be. If and when it is challenged, an administrative hearing is held and the Secretary of DEP will determine the number. EPA then has 60 days to approve or 90 days to disapprove. He closed by saying this will be the single most important number from a standard setting standpoint that the state has ever established and will have a direct impact on the work of this group. Terry Rice noted this is one of the many water quality holes and it needs to be more than just an update, everyone needs to be educated, once this goes off track, the Working Group won't be able to do anything about it. **Follow-up: Working Group requested DEP provide regular updates.**

Cheryl Ulrich stated the project management plans are underway and will outline the scope, schedule and costs. It is a management tool to be used by the USACE and the SFWMD in managing the projects.

- Florida Keys Tidal Restoration being done under programmatic authority, the purpose of the authority is to immediately implement independent projects representing the early success projects. The goal of the study is to evaluate Florida Bay and its connection to the Everglades, Gulf of Mexico and the Florida Keys marine ecosystem to determine what modifications are needed to restore water quality and ecological conditions.
- Florida Keys Carrying Capacity Study goal is to determine the ability of the Florida Keys ecosystem to withstand all impacts of additional land development activities. Different scenarios are currently being run through the model. Test model will be available on November 19 and will also be provided to the National Academy of Sciences for technical review. Final model will be transferred in June to DCA.
- Tamiami Trail sub grade will be impacted as Modified Water Deliveries is implemented and the water level in the L-29 canal is raised. The additional hydrologic analyses that have been done since the 92 general design memorandum have shown the potential to damage the sub grade. A total of 8 alternatives were reviewed with none of the costs including water quality options. The Corps has recommended alternative 7-A (consisting of the 3,000 foot bridge and raising the profile of the entire

ten-mile stretch). Tamiami Trail GRR/SEIS which will come out in October 2001 is not intended to be the Project Implementation Report for CERP and is a pre-requisite for CERP. The effort has been split into two efforts (CERP Decomp. Tamiami Trail and CERP Decomp. other features). PMP approval is pending. ROD for the CERP Tamiami Trail will be executed before “dirt is turned” on the modified water deliveries piece. In negotiations with FDOT in trying to come up with a conceptual agreement for public utility relocation which would allow tapping money to fix damages that may occur. Cape Sable Seaside Sparrow – tentatively selected plan based on ISOP 2001 and includes the additional detention areas 332-B, demolition of the L-67 structure with capacity remaining the same. Combined structural and operational plan (CSOP) critical since it will determine what the operations will be for modified water deliveries and C-111.

Billy Causey noted the importance of monitoring the impacts and the concerns raised about removing the dams and barriers that will destroy reefs that have developed over the last 80 – 90 years. He noted his concern with the alternatives. Cheryl Ulrich noted they still do not have good performance measures and the PMC has committed to helping them in the interim. Rock Salt asked about the process and who would make the policy decision in balancing the objectives. Dennis Duke explained that policy and law gives preference to a protected species versus an unprotected resource. Brad Brown supported the need for monitoring not only on a project but also on the entire reef tract. He also discouraged the use of the term adaptive management which is not appropriate. Terry Rice stated the concept of adaptive management lays out a program that can be adapted.

RECOVER Update

John Ogden provided a Power Point presentation (Enclosure 8) on RECOVER activities to date.

1. Memorandum of Understanding (MOU) is open to all agencies and tribal governments that want to endorse its objectives. Scheduled for review by the SFWMD Governing Board on October 10.
2. CERP Report Card – first draft under development with public and agency review scheduled for winter 2001.
3. CERP Monitoring and Assessment Plan – system-wide to be the technical plan used for the long term. Second revision will respond to those comments received and will contain substantially revised performance measures. RECOVER working with the SCT to schedule a protocols workshop in December 2001.
4. RECOVER Operating Protocols – will lay out how RECOVER will be doing business and undertaking tasks. It will describe the process for updating CERP. Initial CERP update will begin in Winter-Spring 2001/2002.

Fred Rapach asked about RECOVER’s role. John Ogden clarified the monitoring and assessment plan will measure actual system responses and the information will be used to make changes including changes that are needed after the project is built. Rick Smith asked about measuring the key indicators for establishing interim goals. John Ogden noted those things that go into the report card are things that will be monitored anyway.

Rock Salt stated everyone has bought into the “yellow book” which may potentially change and he encouraged thinking about a process to make everyone aware of the potentially significant changes from what has been agreed to. Terry Rice agreed it is important to think through the process as well as have flexibility in the engineering and design. Ronnie Best suggested providing the opening paragraph in the Senate Report language from WRDA 2000.

ASR Team Update

Richard Harvey said Team will meet in October and an in depth update would be provided at the next meeting.

Water Shortage and Water Levels Update

Joan Lawrence reported Lake Okeechobee is at 13.47 feet. District has eased water restrictions for 21 utilities in the five county area. These are utilities that use 20% or more of their water from alternative sources. Restrictions entirely removed for nine Lower East Coast region utilities and were eased to modify

Phase I for utilities in the Lower West Coast. Staff may be taking recommendations to the Board in October to further lifting of restrictions. Neal McAliley asked if the drought was over. Julio Fanjul clarified that the lake is still two-feet below normal for this time of year. **Follow-up: Joan Lawrence will report on the rulemaking process at the November Working Group meeting. Wayne Daltry requested copies of the Florida Water Plan be made available to the Working Group.**

Fish and Wildlife Service Update

Jay Slack reported

- Shaus Swallowtail Butterfly, a species occurring in the Keys and the Miami area whose numbers were down to 200 six years ago now has a population of 1,500. Habitat destruction in the keys as well as pesticides present problems to the butterfly.
- Safe Harbor represents one of the newer policies of the Fish and Wildlife Service that rewards people for doing habitat rehabilitation on their land that attracts threatened and endangered species. An agreement signed with Cheeca Lodge on September 10, 2001, money and expertise were provided enabling the Lodge to plant native vegetation where it did not exist before. This will enable butterflies in the lower Keys to stop over as they migrate into the Miami area. He encouraged this tool be used in dealing with privately owned lands when doing Everglades restoration.
- Key Deer population has gone up to 579-678 from a low of 250 in 1978. Looking at protecting the habitat as well as other actions affecting species i.e. cars, dogs, humans interaction with the species.
- Crocodile population is between 600 – 1000 animals with 60 breeding females. Looking to possibly reclassify the species.
- Looking at genetic issues with the Stock Island Tree Snail; trying to secure the private land with the dozen or so remaining Keys Tree Cactus; Silver Rice Rat population stable; habitat issues remain with the Cotton Mouse which is in the habitat as the Key Largo Wood Rat, also seeing huge declines.

East Everglades Land Acquisition

Barbara Junge noted the progress is 95% along on the East Everglades Acquisition (Encl. 9) with 85% of the declaration of takings filed to date.

Goal 3 Steering Committee Update

Linda Friar reviewed the revised sub goals for Goal 3 as well as an additional sub goal for Goal 2 (Encl. 10a) which have been revised since they were last presented. She also presented the draft sub goals and Strategy text (Encl. 10b). She asked for the Working Group to approve the revised sub goals and provide comments on the Draft Strategy text. John Outland explained the Committee suggested sub goal 2C would address the natural system needs. Rock Salt added sub goal 2C would look at the natural system benefits. Fred Rapach stated he was comfortable with the 3 revised sub goals, but suggested re-wording sub goal 2c. Rick Smith made a motion to approve sub goal 3A, 3B, 3C and 3D. **Action: Working Group approved the revised sub goals for Goal 3. Follow-up: Working Group members were asked to provide comments on the Strategy text by October 15, 2001. John Outland made a motion, Rick Smith and Thaddeus Hamilton seconded motion to accept sub goal 2C. Working Group accepted sub goal 2C and asked it be refined and brought back to the Working Group.**

Museum of Discovery and Science

Mary Plumb introduced Jody Berman and Sarah Dinnen from the Museum of Discovery and Science. She provided an update (Encl. 11) on the work of the Museum Collaboration Committee. Rock Salt, Rock Salt, John Outland, Ronnie Best, Maureen Finnerty, Joan Lawrence for Henry Dean, Patti Webster for Steve Somerville and Billy Causey were recognized for their work in helping accomplish Phase I. The primary purpose of Phase I is to get the message out to the half million visitors that visit the Museum of Discovery and Science each year.

Public Information Initiative

Rock Salt stated his budget has some money to apply to those projects that fit the Strategy created by the Working Group. He introduced Brenda Brown, who has been hired to work on this project. Brenda Brown described the signage project which uses art and design to reveal environmental processes as well as telling people where they are. This could range from wetland restoration to acid mine drainage reclamation. The

idea is a nested system of signs located along highways, roads and trails. The signs would reveal some aspect of the restoration at work in south Florida. Rock Salt noted that Brenda Brown is now working on developing the concept of this project and would like to integrate the perspectives of the different agencies involved in the restoration. Wayne Daltry suggested looking at the historical trail in southwest Florida as part of this effort. John Outland stated he saw a linkage with the ongoing Alligator Alley effort. **Follow-up: Working Group members were asked to provide their ideas and comments to Brenda Brown.**

Outreach and Environmental Equity Coordination Team

Thaddeus Hamilton presented the draft Charter (Encl. 12) for a first reading. Joan Lawrence noted her outreach folks wanted her to express their urging that the agencies would have representatives on this committee. Thaddeus Hamilton stated that non governmental/non Working group members would be included in the team. Rock Salt pointed out that there is WMD/USACE effort that is also ongoing. **Follow-up: Working Group asked to provide comments and the second reading would be scheduled for the November meeting.**

Litigation Update

Neal McAliley reported on the following two federal cases:

- Garcia vs. United States, 8.5 square mile area case where certain property owners have challenged the Corps' authority to condemn property. Plaintiffs have moved for summary judgment and will be heard this fall.
- Miccosukee Tribe vs. SERA, tribe filed lawsuit against Southern Everglades Restoration Alliance (SERA) claiming that SERA violated FACA. Court has entered summary judgment for the government and that FACA technically applied but was not intended to stop organizations such as SERA.

Follow-up: Brad Brown asked for copy of this decision as it may be relevant to other groups in future.

Public Comment

Madeleine Fortin (8.5 square mile area resident) questioned why the state would support option 6-D that will result in a condemnation of one-third of the homes. The project will cost \$88 – \$90 million with half coming from the State. She also noted her concern over raising the water levels in L-31 which will flood her community and could flood a good deal of south Dade County.

Brenda Lee Chalifour (Save our Shoreline, Inc.) noted her disapproval with the idea of more signs which she stated would litter the landscape. She stated the FAA does not recognize what the agencies here do and pointed to the Fort Lauderdale International Airport expansion which will destroy the habitat. Water quality will be impacted by these kind of expansions. She suggested that FAA may need to be represented at this table. She echoed Madeline Fortin's words and added that what is happening there is wrong. She closed by saying that Pete Rosenthal's health is declining and encouraged everyone to push harder on all these efforts.

Meeting adjourned at 5:15 PM.

*Approved Meeting Minutes
South Florida Ecosystem Restoration Working Group
September 25, 2001
Key Largo, FL*

Meeting called to order at 8:35 AM. Thaddeus Hamilton made a motion to approve minutes, Ronnie Best seconded with correction to eliminate WRD after USGS. Working Group approved minutes. Wayne Daltry thanked Billy Causey and Maureen Finnerty on behalf of the group and reminded everyone to contribute money to defer costs.

Programmatic Regulations

Stu Appelbaum provided a Power Point Presentation (Encl. 13) on the current status of the Programmatic Regulations. The schedule is being reviewed to allow additional time for stakeholders to work through issues prior to going into the formal draft stage while still meeting the December 2002 date. Two rounds of meetings have been completed with the second public workshop scheduled for October 2, 2001. Meetings have been held with the tribes. Both the SFWMD and the WRAC have been briefed. Four key issues raised are 1) amount of substance in regulations, 2) interim goals (do they belong in regulation itself or as a standalone), 3) state reservation process (linkages with program), 4) reservations versus actual availability of water. He provided an overview of the draft outline which was posted on the web www.evergladesplan.org/pm/progr_regs/index.shtml in August. There are two types of interim goals dealing with performance (ecological and hydrological responses) and progress (operations, construction, design and planning). Trying to make sure there is enough water available with the new water and existing water to achieve restoration. Project Implementation Report quantifies the water that's needed for the natural system and identifies the water that needs to be reserved. The reservation will deal with new water created by the project and does not deal with existing water. It is the state process that makes the reservation which will be done up front with the remainder available for consumptive use. Reservations are done pursuant to state law through rulemaking as a linkage between the agreement (signed by the President and the Governor) and the programmatic regulations. Work is underway at the state level to draft the agreement and the preliminary draft of the regulation is on target to be out in December. Terry Rice questioned how the linkages are made for the wet and dry years. Stu Appelbaum agreed it would be complex but would be based on the modeling. Rick Smith asked if there was a process to keep tabs on the overall water budget. Stu Appelbaum stated work is currently underway to develop the procedures and there will be CERP features (i.e., seepage management) that will capture water similar to a reservoir. Rock Salt stated the interim goals are the best way for the utilities and agriculture to see they are a part of the plan. There is concern that a way be established to protect water for those who don't have any political muscle. Fred Rapach agreed that there may be enough water for everyone, but asked what could be done in the interim especially with completion dates being pushed back.

Corps and SFWMD Outreach Efforts

Nanciann Regalado reviewed Management Plans for Public Outreach (Encl. 14a) and Environmental and Economic Equity (Encl. 14b). Both plans required by WRDA and are for program level activities only. Efforts aimed at trying to include new people in the process particularly those representing the minority communities, those with limited English proficiency and those in socially economically disadvantaged communities. Plans have been published and approved since July 2001. Budget for the Public Outreach Program Management Plan is \$11.3 million over 6 years and will be cost shared 50/50 between the SFWMD and the Corps. Budget for the Environmental and Economic Program Management Plan is \$6 million over 2 years which is when most projects will take off. Rick Smith urged looking at how costs could be streamlined including partnering up other folks. Maureen Finnerty suggested holding a seminar soon to discuss outreach and possibly find ways to avoid duplicating efforts, particularly as agencies start to staff up for CERP.

Working Group Role Discussion

Members were provided with a list of questions (Encl. 15) and were divided into three groups to discuss the roles and responsibilities of the Working Group as it relates to Science, Public Involvement and Conflict Resolution. The results to be presented at the November meeting.

SCT Update

Ronnie Best announced the next two meetings changed to October 11 and November 29 (in conjunction with CROGEE meeting). Everglades Education Consortium is a group is an education component K – 20 and the intent is to work with the educational institutions to develop course work. Proposing to have an Expo in April 2002 themed “Everglades Education Expo” and outreach. Jim Tate, Secretary Norton’s new Science Advisor, is aware and wants Interior to take a lead role in this education component.

Water Resources Advisory Commission

Julio Fanjul provided the Water Resources Priority Plan (Encl. 16) presented and accepted by the Governing Board at its August meeting. The top three priorities have been identified and the November meeting will be held jointly with the Working Group. Rock Salt noted the group currently advises the Governing Board and products from that Committee could be brought before the Working Group by Henry Dean and Mike Collins and Joan Lawrence. It has been suggested the Task Force may want to designate the WRAC as an advisor and therefore have more latitude in working with WRAC under FACA. Julio Fanjul stated that as a Special Advisor to the Working Group he would also serve as a conduit between the Working Group and WRAC. Maureen Finnerty cautioned, based on the long history of lawsuits, being careful not to get caught up in a process problem.

Executive Director’s Report

Rock Salt reviewed the workplan (Encl. 17a) and noted that most of the things that were laid out in the beginning of the year have been followed up on. The issue of water quality has been on hold in part due to sensitivity between the state and federal role. In the Strategic Plan, TMDL’s have been identified as something that needs to be followed up on. This group has not been engaged very much in water quality issues. John Outland said TMDLs are proceeding and EPA has helped with some of the initial work. The Strategic Plan revision needs to begin and the Chair was asked to consider putting together a Steering Committee to help update the document. Those that were interested in participating were asked to notify the Chair. Action/Issue Tracking Chart (Encl. 17b) reviewed, with the bulk of the items coming from the Lessons Learned Workshop. Rock proposed merging first two bullets. Issue Team Tracking Chart (Encl. 17c) only team listed Amber is the Information Management Council, this team needs to look at what the needs are in light of CERP Zone. First day of the next Working Group meeting will be held jointly with the Water Resources Advisory Commission. 2002 Cross-Cut Budget (Encl. 17d) which lays out the state and federal resource requirements. Next year’s meeting schedule will be provided at the next meeting. In addition, a Conference among several efforts around the country to share information on these efforts is tentatively planned for June 2002. Meeting calendar (Encl. 17 e) dates for the remainder of the year reviewed. Next Task Force meeting tentatively scheduled for November 2001 pending appointment of the federal members. **Follow-up: Working Group requested an update on the TMDL process at a future meeting. Wayne Daltry noted a request has been made to have public comment on action items before they are approved.**

Public Comment

April Gromnicki (Audubon of Florida) provided the position statement (Enclosure 18) and added the environmental community has met with members of the SFWMD and progress is being made. She underscored COL Rice’s comments earlier Audubon of Florida shares those concerns. Programmatic Regulations is about leveling the playing field and for years the natural system has gotten the short end of the stick. She commended the outreach effort being undertaken by the SFWMD and the Corps. She encouraged everyone to re-think how this will be funded and help ensure there is a dedicated funding source. Everyone was invited to attend the 2nd Annual Audubon Assembly scheduled for November in Orlando.

Follow-up Action Items:

- Regular update on phosphorous standards and process to be provided
- In depth update by ASR Issue Team at the November meeting
- Report on district’s review of rule making process
- Update on State TMDL from DEP

Patti Webster stated she has been tasked with coordinating all of the Everglades related meetings for Broward County and she suggested the Working Group consider listing all the meetings with the point of contacts at one central location. Fred Rapach agreed there currently is no central location to post all meetings. This will facilitate scheduling conflicts and supported Rock's staff look into this concept. Dennis Duke stated this idea is being considered as part of CERP Zone.

Maureen Finnerty suggested finding possibly four permanent meeting locations for future Working Group meetings. Patti Power supported this idea, especially in light of the current economic issues. Jay Slack suggested discussing outreach capabilities of the agencies and how efforts could be coordinated. Meeting adjourned at 12:46 PM.

Enclosures:

1. Agenda
2. Draft July meeting minutes
3. Draft Biscayne Bay Team Charter
4. Draft Kissimmee Valley Team Charter
5. Draft SW Florida Team Charter
6. Proposed Dispute Resolution Protocols
7. Everglades Phosphorus Criterion Rule Development Process
8. RECOVER Power Point Presentation
9. East Everglades Land Acquisition Update and Pie Chart (9/11/01)
10. Goal 3 Sub Goals
 - a. Revised Sub Goal language
 - b. draft sub goals and Strategy Text
11. Museum of Discovery and Science Update
12. Draft Outreach and Environmental Equity Coordination Team Charter
13. Programmatic Regulations Power Point Presentation
14. Program Management Plans
 - a. Public Outreach
 - b. Environmental and Economic Equity
15. Questions for Working Group Role Discussion
16. Water Resources Priority Plan
17. Executive Director's Update
 - a. 2001 Working Group Workplan
 - b. Action/Issue Tracking Chart
 - c. Issue Team Tracking Chart
 - d. 2002 Cross-Cut Budget
 - e. Revised 2001 Meeting Calendar
18. Audubon of Florida Position Statement
19. Toy Keller's resignation letter
20. DCA appointment letter